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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,514	06/01/2001	David Hodson	355310-991201	1510
26379 7590 12/28/2006 DLA PIPER RUDNICK GRAY CARY US, LLP 2000 UNIVERSITY AVENUE E. PALO ALTO, CA 94303-2248			EXAMINER FADOK, MARK A	
			ART UNIT	PAPER NUMBER
			3625	
			MAIL DATE	DELIVERY MODE
			12/28/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.		Applicant(s)	
	09/872,514		HODSON ET AL.	
	Examiner		Art Unit	
	Mark Fadok		3625	

All participants (applicant, applicant's representative, PTO personnel):

(1) Mark Fadok.

(3) Ms. Letty Swank.

(2) Mr. William Goldman.

(4) Ms. Britta Buhneman.

Date of Interview: _____.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: _____.

Identification of prior art discussed: _____.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

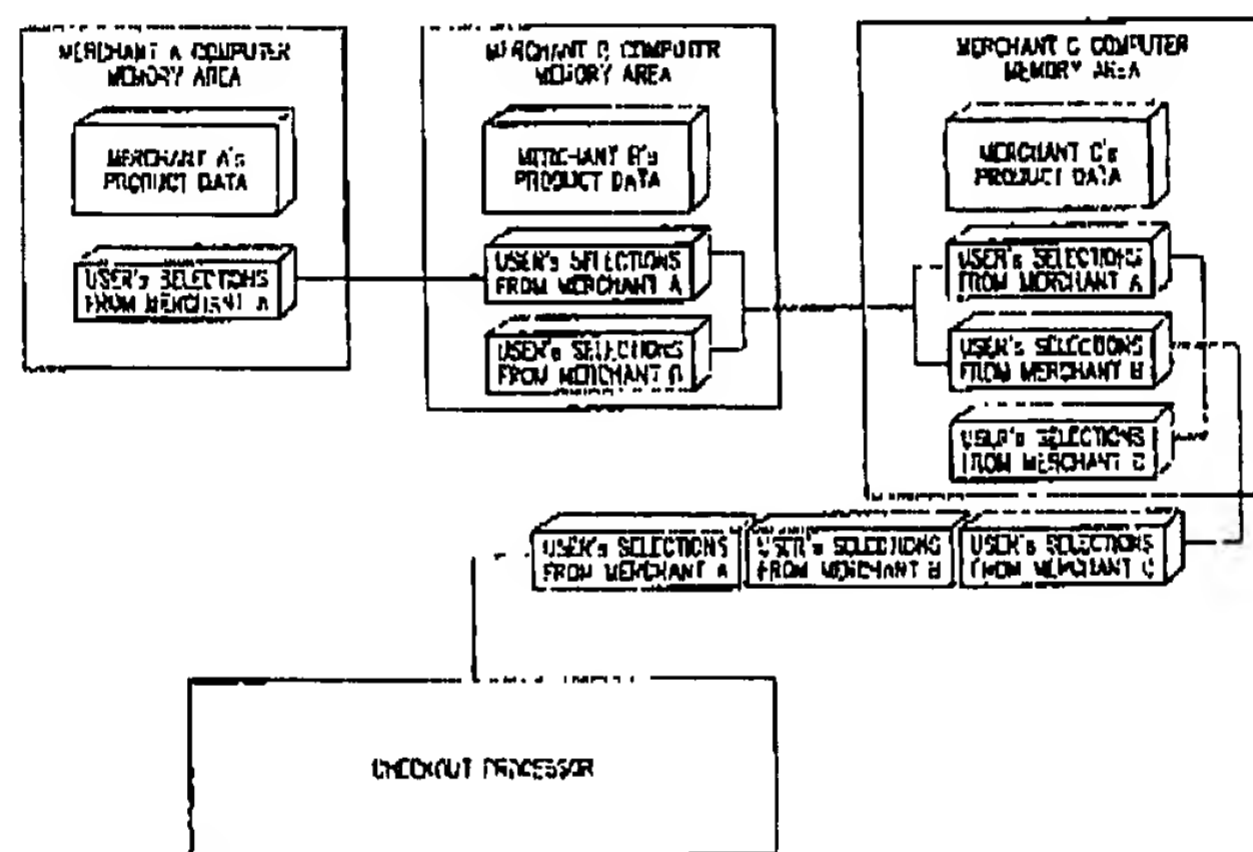
Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Goldman provided the attached proposed arguments and proposed changes to the claims. Mr. Goldman explained the changes and noted that the alternate was preferable to the first proposed claim. The examiner asked if the term hub was used in the specification. Ms. Swank noted that although a traditional spoke and wheel hub was not depicted in FIG 2, the representation along with the provided discussion in the specification did suggest a hub. The examiner looked up the definition of hub in microsoft's dictionary of computer terms and agreed that what was shown in fig 2 was a hub. The examiner mentioned that the term hub would need to be defined in the next response which would create an estoppel for the term. Mr. Goldman agreed that should the examiner find fault in the use of the term, the applicant would consider the use of the first proposed change .

APPLICATION SERIAL NO. 09/872,514
INFORMAL COMMUNICATION IN ADVANCE OF TELEPHONIC INTERVIEW

Applicants wish to thank the Examiner for granting them a telephonic interview. In preparation for the interview Applicants wish to provide the Examiner the following informal communication to guide the discussions. Applicant's representative will be joined on the telephone call with Assignee's representatives, Ms. Letty Swank and Ms. Britta Buhnemann.

Ferguson Patent Comments

In the Ferguson Patent, it is important to note that although the shopping cart method as described is via a computer network connecting a plurality of computers (see Figure 1 of the Ferguson Patent), the information is explicitly passed from merchant to merchant along a chain (see Figure 2 below of the Ferguson Patent). This is also described in the Summary, column 2, row 35 to 38.



The Ferguson Patent also describes that any merchant in the chain can also be the checkout processor (column 9, rows 28-37) and the user does not have to return to the first merchant (or website) in order to checkout (column 8, rows 7-21). In addition, the selection data from any merchant can be stored on the user's computer (column 4, rows 18-19) or with the next merchant to which the information has been transferred (column 2, rows 35-38) and can be edited or removed at any point in the chain since it has been transferred to memory in the next merchant (column 4, rows 15-67 and column 5, rows 1-2). The Ferguson Patent also processes multiple credit card transactions based on the number of merchants from which the user has selected items (column 2, rows 51-52 and 55).

As claimed, a preferred embodiment of the present invention relates to an integrated shopping cart system that automates the ordering by a user of an item(s) (product or service) from an affiliate web site(s) with the user accessing the affiliate web site(s) through the first website. In such an embodiment, the first website may display a predefined selection of products from the affiliate web site(s) catalogs. At such point, according to such an embodiment, the user may select an item or service from the first website and then access the affiliate web site(s) to review or modify the details of the item or service.

Once the item is selected for purchase on the affiliate website(s), it is added to the first website's shopping cart. Should the user wish to purchase additional items from an affiliate web site(s), according to this embodiment, the above-described process would be repeated with the user going from the first website to the detail item or service information on the affiliate web site(s). Should the user then wish to purchase the item (or service), the item would be placed in the first website's shopping cart and the user would be routed back to the first website. In such an embodiment, the respective affiliate websites do not store the previous affiliate website order information and do not have any knowledge of the items that were selected from previous websites. Also, once the user has checked out and a single credit card transaction for the order has been processed using the first website shopping cart, information is then sent to the affiliate website(s) for fulfillment of the item(s). When the item ships via the affiliate website(s), information may then sent to the first website to let the user know the details of the shipping information.

To contrast the Ferguson Patent to an embodiment of the invention, only the first website acts as the checkout processor as described in the Summary of the Invention (Page 2, [0019 – 0021] and claims 1, 6 and 11. In addition, because the first server (or other servers) of the first website is configured to process the shopping cart order from the plurality of affiliated servers, there is a single shopping cart transaction (or credit card transaction) processed. The fulfillment information sent by the first server (or other servers) to the affiliated servers (or websites) is to provide the information for the affiliated website to ship the item(s) to the user of the first website. This relationship is shown below in Figure 2 of the present application.

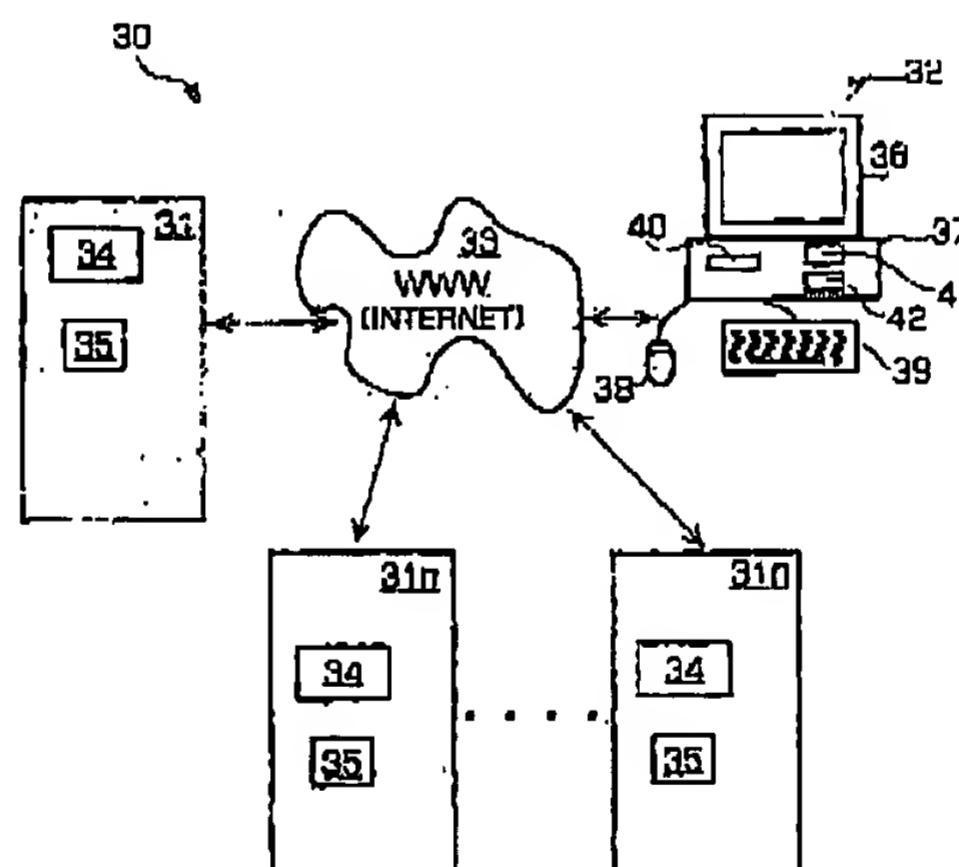


FIG. 2

Notably, unlike the Ferguson Patent, the affiliated servers in an embodiment of the invention do not accumulate (or aggregate) the other affiliated servers' selected items (or data) as only their respective catalogs of information are stored on each respective affiliated website (Claim 11). Instead, the first website does store all the individual respective catalogs as well as its own so that the user can begin the selection of the items or service from that first website. These separate affiliate websites then return the information about the selected items to the first website in order to store the information in a single shopping cart as described in the Detailed Description of the Preferred Embodiment, Page 3, [0039 –

0040]. Unlike the Ferguson Patent, this embodiment of the invention does not process selected data in a "chain and accumulation" sequence, but rather in a "hub and spoke" process whereby the first server or other servers of the first website act as the hub and the affiliated servers are the spokes.

Proposed modification to independent claim 1

In light of the above, Applicants propose the following modification to independent claim 1 and wish to discuss the following or other modifications with the Examiner.

1. (Twice Amended) An electronic shopping cart system integrated with a computer network connecting a plurality of servers together, the computer network being accessible by a user, comprising:

a first server associated with a first website, the first server including a shopping cart application configured to maintain a shopping cart order of items selected by a user accessing one or more of a plurality of affiliated websites, where any selected items from the one or more affiliated websites are specified in the shopping cart order of items maintained by the shopping cart application associated with the first website, and a catalog application adapted to receive item information relating to the items that can be selected by the user accessing one or more of the plurality of affiliated websites, the first server being configured to process the shopping cart order and to provide order fulfillment information to the affiliated websites from which the items were selected by the user; and

a plurality of affiliated servers associated with the plurality of affiliated websites, each of the affiliated servers including a respective catalog of item information relating to the items that can be selected from the respective affiliated websites, the plurality of affiliated servers being adapted to provide the respective catalogs of item information to the first server and to receive and process the order fulfillment information from the first server.

Alternative proposed modification to independent claim 1

In light of the above, Applicants propose the following alternative modification to independent claim 1 and wish to discuss the following or other modifications with the Examiner.

1. (Twice Amended) An electronic shopping cart system integrated with a computer network connecting a plurality of servers together, the computer network being accessible by a user, comprising:

a first server associated with a first website, the first server including a shopping cart application that functions as a hub for items that can be selected by a user accessing one or more of a plurality of websites and configured to maintain a shopping cart order of any such items selected by the a user ~~accessing one or more of a plurality of affiliated websites,~~ and a catalog application adapted to receive item information relating to the items that can be selected by the user accessing one or more of the plurality of affiliated websites, the first server being configured to process the shopping cart order and to provide order fulfillment information to the affiliated websites from which the items were selected by the user; and

a plurality of affiliated servers associated with the plurality of affiliated websites, each of the affiliated servers including a respective catalog of item information relating to the items that can be selected from the respective affiliated websites, the plurality of affiliated servers being adapted to provide

the respective catalogs of item information to the first server and to receive and process the order fulfillment information from the first server.